

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 10-20, 22-24, and 37-44 are pending in the present application; Claims 1, 4, 13, and 16 having been amended by way of the present amendment.

In the outstanding Office Action, Claims 1-8, 10-20, and 22-24 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite, Claims 1-3 and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell et al. (U.S. 2005/0206582) in view of Suyama et al. (U.S. 6,525,699), Claims 4-6, 10, 11, 16-18, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell et al. in view of Sullivan (U.S. 6,377,229), Claims 7, 8, 12, 19, 20, and 24 were indicated as being allowable, and Claims 37-44 were allowed.

Claims 1-8, 10-20, and 22-24 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully traversed.

The outstanding Office Action indicates that previously added limitations to independent Claims 1, 4, 13 and 16 render the claims vague and indefinite because the features relate to an optical phenomenon produced by the human vision system, and the phenomenon is dependent on the physiological and/or mental capabilities of a human observer. The objected to language has been amended and/or deleted and therefore, the rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

Claims 1-3 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell et al. (hereinafter “Bell”) in view of Suyama et al. (hereinafter “Suyama”) and Claims 4-6, 10, 11, 16-18, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell in view of Sullivan. These rejections are respectfully traversed.

The rejected independent claims have been amended to more clearly recite the invention. For example, Claim 1 recites:

wherein brightness of each of the first two-dimensional images is determined independently for each display plane according to a depth position of a display object in a three-dimensional space, wherein brightness of the display object is darker than that of the background plane.

Moreover, the end of independent Claim 1 has been amended to recite:

displaying the second two-dimensional images on the display planes respectively in which brightness of each of the second two-dimensional images is set to be the same among the display planes irrespective of the depth position of the display object if the brightness of the display object is darker than that of the background plane.

This feature of the invention is supported by the originally filed specification, for example at p. 32, lines 19-27 and p. 45, line 34 - p. 46, line 5, for example.

With the above amendments, the claims clearly recite that the claimed brightness (transparency) control for both of the image of the background plane and the image of the display object is performed on condition that brightness of the display object is darker (brighter) than that of the background plane.

No prior art of record, either alone or in combination, discloses or suggests determining brightness (transparency) of the first two-dimensional image (of background) independently for each display plane according to a depth position of the display object and determining the brightness (transparency) of the second two-dimensional image (of display object) to the same among the display planes irrespective of the depth position of the display object on condition that the brightness of the display object is darker (brighter) than that of the background plane.

The outstanding Office Action references many different paragraphs from Bell for the feature of wherein brightness of the display object is darker than that of the background plane. However, the claim now recites this as a specific condition which is not disclosed.

Moreover, the numerous paragraphs cited for this feature including Bell at paragraphs [0089], [0098]-[0107], [0022]-[0026], [0030]-[0037], [0040]-[0050], [0053], [0062], [0073]-[0075], and [0081] do not disclose or suggest the feature. If the claimed feature were truly disclosed in Bell, there would be no need to cite to such a large number of paragraphs but a pinpoint cite could be provided. As such, it is firmly believed that the features of independent Claim 1 are neither disclosed nor suggested.

Independent Claims 4, 13, and 16 are similarly patentable.

The dependent claims which depend from Claims 1, 4, 13, and 16 are patentable for at least the reasons the independent from which they depend are patentable.

Accordingly, the prior art rejections are respectfully requested to be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance, and an early and favorable action to that effect is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

  
James J. Kulbaski  
Attorney of Record  
Registration No. 34,648

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/09)